

AMENDED IN SENATE APRIL 4, 2006

SENATE BILL

No. 1573

Introduced by Senator Alarcon

February 23, 2006

An act to add Chapter 6 (commencing with Section 42380) to Part 3 of Division 30 of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 1573, as amended, Alarcon. Solid waste: packaging.

The California Integrated Waste Management Act of 1989 establishes an integrated waste management program administered by the California Integrated Waste Management Board.

This bill would require the board, by ~~January 1, 2008~~ *July 1, 2009*, to adopt regulations to establish guidelines for the manufacture, purchase, and disposal of packaging, as defined. The bill would require the regulations to ~~prohibit manufacturers and purchasers from using~~ *eliminate* excess packaging, ~~require manufacturers to use~~ *encourage the use of specified types of packaging, encourage "manufacturer take-back" programs, reduce toxicity, and establish* specific percentages of ~~recyclable~~ *recycled content* material in the ~~production of packaging, and create incentives for manufacturers and purchasers to use recyclable material in the manufacture of packaging.~~

The bill would ~~require each purchaser and manufacturer of packaging to comply with the regulations adopted by the board on and after January 1, 2009~~ *the board to develop an education program on packaging alternatives and packaging information, to the extent that funds are available for this purpose.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Chapter 6 (commencing with Section 42380) is added to Part 3 of Division 30 of the Public Resources Code, to read:

CHAPTER 6. EXCESS PACKAGING MATERIALS PREVENTION
ACT

42380. The Legislature hereby finds and declares all of the following:

(a) The state requires that cities and counties reduce waste destined for landfills and supports the three main tenants of smart trash disposal, which are to reduce, reuse, and recycle waste.

(b) Currently, research indicates that more than one-third of all waste that goes into landfills is packaging waste.

~~(c) Current business practices destroy virgin resources, such as trees, or use excess amounts of other resources, such as crude oil, for packaging that is immediately thrown away by consumers after purchasing the product.~~

~~(c) Excessive packaging consumes valuable virgin resources, only to be immediately thrown away by consumers.~~

(d) Both businesses and the state can save money by taking all of the following actions:

~~(1) Recycling materials rather than pay for waste disposal.~~

~~(2) Decreasing the use of virgin material used to produce packaging.~~

~~(3) Decreasing the amount of packaging purchased for purposes of packaging items for sale.~~

(1) Reducing the "virgin material" used in packaging.

(2) Reducing the amount of materials needed to package products.

(3) Recycling materials, rather than pay for waste disposal.

(4) Increasing the use of reusable transport packaging.

(e) It is in the state's economic and environmental interest to either deter excess packaging or create incentives for reducing the amount of packaging used by business.

(f) Consumers and businesses lack information regarding packaging alternatives and recycling options.

~~42831.~~

42381. For purposes of this chapter the following definitions shall apply:

(a) “Package” means any container providing a means of marketing, protecting, or handling a product.

(b) “Purchaser” means a person who purchases and takes title to a package from a manufacturer for the purpose of packaging a product manufactured, distributed, or sold by the purchaser.

(c) “Manufacturer” means any person, firm, association, partnership, or corporation producing a package.

(d) “Recyclable material” has the same meaning as “postconsumer material”, as defined in Section 42301.

~~42832.~~

42382. On or before ~~January 1, 2008~~ *July 1, 2009*, the board shall adopt regulations to establish guidelines for the manufacture, purchase, and disposal of packaging. These regulations shall include ~~for~~, but are not limited to, provisions to do all of the following:

~~(a) Prohibit manufacturers and purchasers from using excess packaging.~~

~~(b) Require manufacturers to use specific percentages of recyclable material in the production of packaging.~~

~~(c) Create incentives for manufacturers and purchasers to use recyclable material in the manufacture of packaging.~~

42833. ~~On and after January 1, 2009, each purchaser and manufacturer shall comply with the regulations adopted by the board pursuant to this section.~~

(a) Eliminate excess packaging.

(b) Encourage the use of reusable, returnable, refillable, and recyclable packaging.

(c) Encourage the use of compostable packaging.

(d) Encourage “manufacturer take-back” programs.

(e) Reduce toxicity.

(f) Establish specific percentages of recycled content material in packaging.

42383. In adopting regulations pursuant to this chapter, the board shall consider all of the following types of packaging:

(a) Primary.

(b) Secondary.

(c) Tertiary.

1 *(d) Packaging for transport.*
2 42384. *The board shall develop an education program for*
3 *businesses and consumers on packaging alternatives and*
4 *packaging information. The board is required to develop this*
5 *program only to the extent that funds are available for this*
6 *purpose.*

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